Eebruary 13, 2004

546MITTED AUG 1 6 2004

Assistant Commissioner of Patents

Washington, DC 20231

PROTEST UNDER 37 CFR 1.291(a)

Re: SYSTEM AND METHOD OF INSERTING ADVERTISEMENTS INTO AN INFORMATION RETRIEVAL SYSTEM DISPLAY

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AUG 1 7 2004

Technology Center 2600

US File # *20030135853*

Filed: 3/8/1999

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is 20030135853

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent filing describes at great length an advertising delivery system dependent upon a database maintained at the client level. The inventor refers to a traditional client/server system as an "information retrieval" system. Within this system, he builds a database containing a plurality of advertisements dynamically retained at the client system. The system is described in paragraphs (0012) and (0014).

The abstract reads, "the method comprising the steps of: compiling a profile of the user of the information retrieval system, including at least information associated with the television programming viewed by the user; requesting, by the client system, an information document from the server computer; selecting, based at least in part on the profile and on designated selection criteria, an advertisement from among a plurality of advertisements for insertion into the information document; inserting data representing the selected advertisement into the information document; and displaying the information document, including the selected advertisement, on the display device.

Selecting a channel or show on television which is tantamount to a URL into a browser locator window then makes a match with data maintained at the client system in the remotely controlled and updated database and in the event aSMOC/3d10 match is made by comparing, an appropriate advertisement is displayed. This is referred to as "pull" advertising as a voluntary action on the part of a user 1002 91 904 interacts with a pre-established database and a targeted ad is displayed.

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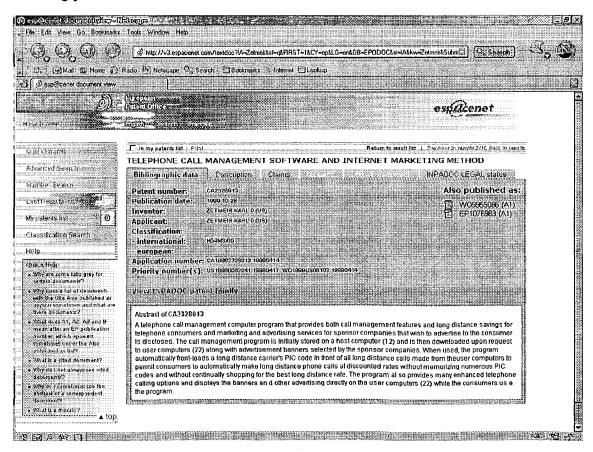
This embodiment is also described in Claims 5,6,9,13,23,24 and others. Basing ad display based upon program selection comparisons is no different than selecting a URL in a browser or Keyword in a search engine. Whether a cable TV network or the internet or both, both are electronic communication networks.

I am objecting to this patent filing, as it is neither novel nor unique. It is of particular note that while prior art strictly based on VoD and TV, no prior art was submitted with this filing correlating to the internet and only some vague references to server profiling systems. The filers are correct that a targeted system based on program selection, URLs or keywords is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

- 1. US Patent 6,141,010 ... similar technology
- 2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
- 3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 3/8/1999 filing.

I believe the Examiner should look very closely at the Claims made and judge accordingly.



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Hoyle October 31,	2000
Computer interface method and apparatus with targeted advertising	
M.A.	
Abstract	
A method and apparatus for providing an automatically upgradeable software application that includes targeted advertising based upon demographics and user interaction with the computer. The software application is a graphical user interface that includes a display region used for banner advertising that is downloaded	
time to time over a network such as the internet. The software application is accessible from a server via the Internet and demographic information on the user is	s III
acquired by the server and used for determining what banner advertising will be sent to the user. The software application further targets the advertisements in response to normal user interaction, or use, of the computer. Associated with each banner advertisement is a set of data that is used by the software application	
determining when a particular banner is to be displayed. This includes the specification of certain programs that the user may have so that, when the user may have	
program (such as a spreadsheet program), an advertisement will be displayed that is relevant to that program (such as an advertisement for a stock brokerage), provides two-tiered, real-time targeting of advertising—both demographically and reactively. The software application includes programming that accesses the su	Thic P
on occasion to determine if one or more components of the application need upgrading to a newer version. If so, the components are downloaded and installed	erver
without requiring any input or action by the user.	583

